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5 IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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TERRY RAY HAWES,

No. C 11-4361 WHA (PR)

Plaintiff,

**ORDER OF DISMISSAL**

vs.

11 STATE OF CALIFORNIA,

12 Defendant.

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14 Plaintiff, a California prisoner proceeding pro se, has filed a civil rights complaint under  
15 42 U.S.C. 1983. He seeks to be released from custody based upon his claim that defendant  
16 forced medication upon him during his trial. Such a form of relief may only be obtained in  
17 federal court by way of a petition for a writ of habeas corpus under 28 U.S.C. 2254, not a civil  
18 rights complaint under 42 U.S.C. 1983. *See Skinner v. Switzer*, 131 S. Ct. 1289, 1293 (2011)  
19 (habeas is the “exclusive remedy” for the prisoner who seeks “immediate or speedier release”  
20 from confinement); *see Docken v. Chase*, 393 F.3d 1024, 1026 (9th Cir. 2004) (challenges  
21 implicating the fact or duration of confinement must be brought in a habeas petition).  
22 Consequently, the instant action is **DISMISSED** without prejudice to filing a petition for a writ of  
23 habeas corpus.

24 The clerk shall enter judgment and close the file.

25 **IT IS SO ORDERED.**

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Dated: September 28, 2011.

*Wm. Alsup*  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

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